IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

Crl.MC.No. 1074 of 2007()

(CRIME NO.15/2007 OF THE EXCISE RANGE OFFICE ANCHAL, KOLLAM DISTRICT)

PETITIONER/ACCUSED NO. 1 TO 3

1.ASHOK KUMAR, S/O SIVARAMAN, THURUTHIYIL KIZHAKKETHIL VEETTIL THRIKKANNAMNGAL DESOM,KOTTARAKKARA VILLAGE KOLLAM DISTRICT

2. BABU,S/O PURUSHOTHAMAN, CHARUVILA VEETTIL KIZHAKKEKARA MURI, KOTTARAKKARA TALUK, KOLLAM DISTRICT

3. ARJUNAN, S/O DAMODHARAN, ANANDAVILASAM , KOTTUKAL MURI KOTTUKAL VILLAGE, KOTTARAKKARA TALUK, KOLLAM DISTRICT

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

STATE OF KERAL REPRESENTED BY EXCISE INSPECTOR, EXCISE RANGE OFFICE, ANCHAL, KOLLAM DISTRICT BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1074 OF 2007

Dated this the 3rd day of April, 2007

ORDER

The learned counsel for the petitioner submits, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala v. Unni (**2007 (1) KLT 151 (SC)), this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained.

2. This Crl.M.C. is, in these circumstances, allowed. All proceedings in pursuance of C.R.No.15/07 of the Excise Range Office, Anchal, Kollam District, against the petitioner is hereby quashed.

3. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy// **P.S. To Judge**